

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ACUITY, A MUTUAL INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:17-CV-2197
)	
KELLY MARIE SIMLER AND SCOTT)	
SIMLER, ET L.,)	
)	
)	
Defendant.)	
)	

FINAL JUDGMENT

This cause comes before the Court on the parties' joint motion for hearing on the distribution of interplead funds that were paid into the Court registry on May 31, 2018 in the amount of \$1,991,395.45 (Doc. 90) plus any accrued interest thereon.

The Court is advised and takes judicial notice of the "Joint Stipulation of Evidence" filed by the parties (Doc. 111). The Court is also advised the Simlers waived any conflict of interest that may exist in having the same counsel represent them in this hearing.

After considering the facts and argument of counsel, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** the interplead funds be disbursed in the following percentages to the following parties:

1. Kelly Marie Simler- 44.641192%
2. Scott Simler- 41.207254%
3. Linda Jean Gartner- 13.3983130%
4. Terrell Antione Guy- 0.7532410%

The Court finds the above distribution of funds to be fair, reasonable and equitable in light of the admitted evidence and argument of counsel.

Each party has represented, through counsel, that they waive any right to appeal the entry of this Order and for this reason the Court finds no reason why the interplead funds cannot be immediately released.

IT IS HEREBY ORDERED the Clerk of Court shall distribute the funds as set forth herein within five business days to each party's respective counsel in the amounts stated herein. Drafts shall be made payable as follows:

"Kelly Simler and The Bradley Law Firm"


"Scott Simler and The Bradley Law Firm"

"Linda Jean Gartner and Kolker & Labovitz"

"Terrell Antione Guy and O'Leary, Shelton, Corrigan, Peterson, Dalton & Quillin"

IT IS FURTHER ORDERED that Kelly Marie Simler, Scott Simler, Linda Jean Gartner, and Terrell Antione Guy shall file receipts of funds and satisfactions of judgment with this Court no later than 5 business days after the funds clear.

Dated this 22nd day of August, 2018.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE